

House Engrossed

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 67

## **HOUSE BILL 2245**

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-791; AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2435; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; RELATING TO ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 7, article 5, Arizona Revised Statutes,  
3 is amended by adding section 15-791, to read:

4 15-791. Arizona agricultural youth organization special plate  
5 fund

6 A. THE ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATE FUND IS  
7 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 28-2435. THE  
8 STATE BOARD OF EDUCATION ACTING AS THE STATE BOARD FOR VOCATIONAL AND  
9 TECHNOLOGICAL EDUCATION SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO  
10 THOUSAND DOLLARS IN THE FUND SHALL BE REIMBURSED TO THE ENTITY THAT PROVIDES  
11 THE THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT OF TRANSPORTATION PURSUANT  
12 TO SECTION 28-2435. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE  
13 FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES  
14 IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE STATE BOARD OF EDUCATION  
15 ACTING AS THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL EDUCATION SHALL  
16 ANNUALLY ALLOCATE MONIES FROM THE FUND, EXCLUDING ADMINISTRATIVE FEES, TO  
17 STUDENT CAREER AND TECHNICAL EDUCATION ORGANIZATIONS THAT PROMOTE  
18 AGRICULTURAL EDUCATION PROGRAMS AT MIDDLE SCHOOLS, JUNIOR HIGH SCHOOLS AND  
19 HIGH SCHOOLS IN THIS STATE, THAT CONNECT STUDENTS TO CAREERS IN SCIENCE,  
20 BUSINESS AND THE TECHNOLOGY OF AGRICULTURE AND THAT DEVELOP STUDENT  
21 LEADERSHIP OPPORTUNITIES IN AGRICULTURE. THE ORGANIZATIONS SHALL USE THE  
22 ALLOCATED MONIES FOR THE ORGANIZATIONS' OPERATIONS AND ACTIVITIES AND FOR  
23 STUDENT SCHOLARSHIPS.

24 B. ON NOTICE FROM THE STATE BOARD OF EDUCATION ACTING AS THE STATE  
25 BOARD FOR VOCATIONAL AND TECHNOLOGICAL EDUCATION, THE STATE TREASURER SHALL  
26 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND  
27 MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE  
28 FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
29 APPROPRIATIONS.

30 Sec. 2. Section 28-2351, Arizona Revised Statutes, is amended to read:  
31 28-2351. License plate provided; design

32 A. The department shall provide to every owner one license plate for  
33 each vehicle registered. At the request of the owner and on payment of any  
34 required fee, the department shall provide either one or two license plates  
35 for a vehicle for which a special plate is requested pursuant to this  
36 chapter, except that the department shall provide one license plate if the  
37 special plate is issued pursuant to section 28-2416 or 28-2416.01.

38 B. The license plate shall display the number assigned to the vehicle  
39 and to the owner of the vehicle and the name of this state, which may be  
40 abbreviated. The director shall coat the license plate with a reflective  
41 material that is consistent with the determination of the department  
42 regarding the color and design of license plates and special plates. The  
43 director shall design the license plate and the letters and numerals on the  
44 license plate to be of sufficient size to be plainly readable during daylight  
45 from a distance of one hundred feet. In addition to the standard license

1 plate issued for a trailer before August 12, 2005, the director shall issue a  
2 license plate for trailers that has a design that is similar to the standard  
3 size license plate for trailers but that is the same size as the license  
4 plate for motorcycles. The trailer owner shall notify the department which  
5 size license plate the owner wants for the trailer.

6 C. Notwithstanding any other law, the department shall not contract  
7 with a nongovernmental entity to purchase or secure reflective material for  
8 the plates issued by the department unless the department has made a  
9 reasonable effort to secure qualified bids or proposals from as many  
10 individual responsible respondents as possible.

11 D. The department shall determine the color and design of the license  
12 plate. All other plates issued by the department, except the plates issued  
13 pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,  
14 28-2417 through ~~28-2434~~ 28-2435, 28-2452, 28-2453, 28-2454 and 28-2455 and  
15 article 14 of this chapter, shall be the same color as and similar in design  
16 to the license plate as determined by the department.

17 E. A passenger motor vehicle rented without a driver shall receive the  
18 same type of license plate as issued for a private passenger motor vehicle.

19 Sec. 3. Section 28-2403, Arizona Revised Statutes, is amended to read:

20 28-2403. Special plates; transfers; violation; classification

21 A. Except as otherwise provided in this article, the department shall  
22 issue or renew special plates in lieu of the regular license plates pursuant  
23 to the following conditions and procedures and only if the requirements  
24 prescribed by this article for the requested special plates are met:

25 1. Except as provided in sections 28-2416 and 28-2416.01, a person who  
26 is the registered owner of a vehicle registered with the department or who  
27 applies for an original or renewal registration of a vehicle may submit to  
28 the department a completed application form as prescribed by the department  
29 with the fee prescribed by section 28-2402 for special plates in addition to  
30 the registration fee prescribed by section 28-2003.

31 2. Except for plates issued pursuant to sections 28-2404, 28-2412,  
32 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2434~~ 28-2435,  
33 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the  
34 special plates shall be the same color as and similar to the design of the  
35 regular license plates that is determined by the department.

36 3. Except as provided in section 28-2416, the department shall issue  
37 special plates only to the owner or lessee of a vehicle that is currently  
38 registered, including any vehicle that has a declared gross weight, as  
39 defined in section 28-5431, of twenty-six thousand pounds or less.

40 4. Except as provided in sections 28-2416 and 28-2416.01, the  
41 department shall charge the fee prescribed by section 28-2402 for each annual  
42 renewal of special plates in addition to the registration fee prescribed by  
43 section 28-2003.

44 B. Except as provided in sections 28-2416 and 28-2416.01, on  
45 notification to the department and on payment of the transfer fee prescribed

1 by section 28-2402, a person who is issued special plates may transfer the  
2 special plates to another vehicle the person owns or leases. Persons who are  
3 issued special plates for hearing impaired persons pursuant to section  
4 28-2408 and international symbol of access special plates pursuant to section  
5 28-2409 are exempt from the transfer fee. If a person who is issued special  
6 plates sells, trades or otherwise releases ownership of the vehicle on which  
7 the plates have been displayed, the person shall immediately report the  
8 transfer of the plates to the department or the person shall surrender the  
9 plates to the department as prescribed by the director. It is unlawful for a  
10 person to whom the plates have been issued to knowingly permit them to be  
11 displayed on a vehicle except the vehicle authorized by the department.

12 C. The special plates shall be affixed to the vehicle for which  
13 registration is sought in lieu of the regular license plates.

14 D. A person is guilty of a class 3 misdemeanor who:

15 1. Violates subsection B of this section.

16 2. Fraudulently gives false or fictitious information in the  
17 application for or renewal of special plates or placards issued pursuant to  
18 this article.

19 3. Conceals a material fact or otherwise commits fraud in the  
20 application for or renewal of special plates or placards issued pursuant to  
21 this article.

22 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
23 amended by adding section 28-2435, to read:

24 28-2435. Arizona agricultural youth organization special plates

25 A. IF, BY DECEMBER 31, 2010, THIRTY-TWO THOUSAND DOLLARS IS PAID TO  
26 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL  
27 ISSUE ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES. THE ENTITY  
28 THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA  
29 AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES. THE DESIGN AND COLOR OF THE  
30 ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES ARE SUBJECT TO THE  
31 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA  
32 AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES TO BE COMBINED WITH A REQUEST  
33 FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION,  
34 THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO  
35 THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED  
36 FOR THE ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATES.

37 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
38 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A  
39 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

40 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
41 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
42 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
43 SECTION IN THE ARIZONA AGRICULTURAL YOUTH ORGANIZATION SPECIAL PLATE FUND  
44 ESTABLISHED BY SECTION 15-791 FOR DISBURSEMENT BY THE STATE BOARD OF

1 EDUCATION ACTING AS THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL  
2 EDUCATION PURSUANT TO SECTION 15-791.

3 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:  
4 28-6501. Definition of highway user revenues

5 In this article, unless the context otherwise requires or except as  
6 otherwise provided by statute, "highway user revenues" means all monies  
7 received in this state from licenses, taxes, penalties, interest and fees  
8 authorized by the following:

9 1. Chapters 2, 7, 8 and 15 of this title, except for:

10 (a) The special plate administration fees prescribed in sections  
11 28-2404, 28-2412 through ~~28-2434~~ 28-2435 and 28-2514.

12 (b) The donations prescribed in sections 28-2404, 28-2412 through  
13 28-2415, 28-2417 through ~~28-2434~~ 28-2435, 28-2453, 28-2454 and 28-2455.

14 2. Section 28-1177.

15 3. Chapters 10 and 11 of this title.

16 4. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
17 in sections 28-5926 and 28-5927.

18 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:  
19 28-6991. State highway fund; sources

20 A state highway fund is established that consists of:

21 1. Monies distributed from the Arizona highway user revenue fund  
22 pursuant to chapter 18 of this title.

23 2. Monies appropriated by the legislature.

24 3. Monies received from donations for the construction, improvement or  
25 maintenance of state highways or bridges. These monies shall be credited to  
26 a special account and shall be spent only for the purpose indicated by the  
27 donor.

28 4. Monies received from counties under cooperative agreements,  
29 including proceeds from bond issues. The state treasurer shall deposit these  
30 monies to the credit of the fund in a special account on delivery to the  
31 treasurer of a concise written agreement between the department and the  
32 county stating the purposes for which the monies are surrendered by the  
33 county, and these monies shall be spent only as stated in the agreement.

34 5. Monies received from the United States under an act of Congress to  
35 provide aid for the construction of rural post roads, but monies received on  
36 projects for which the monies necessary to be provided by this state are  
37 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
38 shall be allotted by the department and deposited by the state treasurer in  
39 the special account within the fund established for each project. On  
40 completion of the project, on the satisfaction and discharge in full of all  
41 obligations of any kind created and on request of the department, the  
42 treasurer shall transfer the unexpended balance in the special account for  
43 the project into the state highway fund, and the unexpended balance and any  
44 further federal aid thereafter received on account of the project may be  
45 spent under the general provisions of this title.

1           6. Monies in the custody of an officer or agent of this state from any  
2 source that is to be used for the construction, improvement or maintenance of  
3 state highways or bridges.

4           7. Monies deposited in the state general fund and arising from the  
5 disposal of state personal property belonging to the department.

6           8. Receipts from the sale or disposal of any or all other property  
7 held by the department and purchased with state highway monies.

8           9. Monies generated pursuant to section 28-410.

9           10. Monies distributed pursuant to section 28-5808, subsection B,  
10 paragraph 2, subdivision (d).

11           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12           12. Except as provided in section 28-5101, the following monies:

13           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
14 subsection B, paragraph 2, subdivision (e).

15           (b) One dollar of each registration fee and one dollar of each title  
16 fee collected pursuant to section 28-2003.

17           (c) Two dollars of each late registration penalty collected by the  
18 director pursuant to section 28-2162.

19           (d) The air quality compliance fee collected pursuant to section  
20 49-542.

21           (e) The special plate administration fees collected pursuant to  
22 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through  
23 ~~28-2434~~ 28-2435 and 28-2514.

24           (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
25 if the director is the registering officer.

26           13. Monies deposited pursuant to chapter 5, article 5 of this title.

27           14. Donations received pursuant to section 28-2269.

28           15. Dealer and registration monies collected pursuant to section  
29 28-4304.

30           16. Abandoned vehicle administration monies deposited pursuant to  
31 section 28-4804.

32           17. Monies deposited pursuant to section 28-710, subsection D,  
33 paragraph 2.

34           18. Monies deposited pursuant to section 28-2065.

35           19. Donations deposited pursuant to section 28-2430.

36           20. Monies deposited pursuant to section 28-7311.

37           21. Monies deposited pursuant to section 28-7059.

38           Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:  
39 28-6993. State highway fund; authorized uses

40           A. Except as provided in subsection B of this section and section  
41 28-6538, the state highway fund shall be used for any of the following  
42 purposes in strict conformity with and subject to the budget as provided by  
43 this section and by sections 28-6997 through 28-7003:

44           1. To pay salaries, wages, necessary travel expenses and other  
45 expenses of officers and employees of the department and the incidental

1 office expenses, including telegraph, telephone, postal and express charges  
2 and printing, stationery and advertising expenses.

3 2. To pay for both:

4 (a) Equipment, supplies, machines, tools, department offices and  
5 laboratories established by the department.

6 (b) The construction and repair of buildings or yards of the  
7 department.

8 3. To pay the cost of both:

9 (a) Engineering, construction, improvement and maintenance of state  
10 highways and parts of highways forming state routes.

11 (b) Highways under cooperative agreements with the United States that  
12 are entered into pursuant to this chapter and an act of Congress providing  
13 for the construction of rural post roads.

14 4. To pay land damages incurred by reason of establishing, opening,  
15 altering, relocating, widening or abandoning portions of a state route or  
16 state highway.

17 5. To reimburse the department revolving account.

18 6. To pay premiums on authorized indemnity bonds and on compensation  
19 insurance under the workers' compensation act.

20 7. To defray lawful expenses and costs required to administer and  
21 carry out the intent, purposes and provisions of this title, including  
22 repayment of obligations entered into pursuant to this title, payment of  
23 interest on obligations entered into pursuant to this title, repayment of  
24 loans and other financial assistance, including repayment of advances and  
25 interest on advances made to the department pursuant to section 28-7677, and  
26 payment of all other obligations and expenses of the board and department  
27 pursuant to chapter 21 of this title.

28 8. To pay lawful bills and charges incurred by the state engineer.

29 9. To acquire, construct or improve entry roads to state parks or  
30 roads within state parks.

31 10. To acquire, construct or improve entry roads to state prisons.

32 11. To pay the cost of relocating a utility facility pursuant to  
33 section 28-7156.

34 12. For the purposes provided in subsections C, D and E of this section  
35 and sections 28-1143, 28-2353 and 28-3003.

36 B. For each fiscal year, the department of transportation shall  
37 allocate and transfer monies in the state highway fund to the department of  
38 public safety for funding a portion of highway patrol costs in eight  
39 installments in each of the first eight months of a fiscal year that do not  
40 exceed ten million dollars.

41 C. Subject to legislative appropriation, the department may use the  
42 monies in the state highway fund as prescribed in section 28-6991, paragraph  
43 12 to carry out the duties imposed by this title for registration or titling  
44 of vehicles, to operate joint title, registration and driver licensing  
45 offices, to cover the administrative costs of issuing the air quality

1 compliance sticker, modifying the year validating tab and issuing the  
2 windshield sticker and to cover expenses and costs in issuing special plates  
3 pursuant to sections 28-2404, 28-2412 through ~~28-2434~~ 28-2435 and 28-2514.

4 D. The department shall use monies deposited in the state highway fund  
5 pursuant to chapter 5, article 5 of this title only as prescribed by that  
6 article.

7 E. Monies deposited in the state highway fund pursuant to section  
8 28-2269 shall be used only as prescribed by that section.

9 F. Monies deposited in the state highway fund pursuant to section  
10 28-710, subsection D, paragraph 2 shall only be used for state highway work  
11 zone traffic control devices.

12 G. The department may exchange monies distributed to the state highway  
13 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
14 government surface transportation program federal monies suballocated to  
15 councils of government and metropolitan planning organizations if the local  
16 government scheduled to receive the federal monies concurs. An exchange of  
17 state highway fund monies pursuant to this subsection shall be in an amount  
18 that is at least equal to ninety per cent of the federal obligation authority  
19 that exists in the project for which the exchange is proposed.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.